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### Subpart A—Project Grants for Family Planning Services

AUTHORITY: 42 U.S.C. 300a–4.

SOURCE: 45 FR 37436, June 3, 1980, unless otherwise noted.

EDITORIAL NOTE: At 58 FR 7462–7463, Feb. 5, 1993, the Secretary of Health and Human Services (HHS) suspended the effectiveness of the provisions of Subpart A issued at 53 FR 2922, Feb. 2, 1988. The actions taken on Feb. 2, 1988, were:

1. The authority citation for subpart A of 42 CFR part 59 is revised.

2. In 42 CFR 59.2, the following definitions are added:

*Family planning*

*Grantee*

*Prenatal care*

*Program and project*

*Title X*

*Title X program and Title X project*

3. In 42 CFR 59.5(a), paragraph (a)(5) is removed and paragraphs (a)(6) through (a)(11) are redesignated as paragraphs (a)(5) through (a)(10), respectively.

4. 42 CFR 59.5(b)(3)(i) is revised.

5. In 42 CFR part 59, § 59.7 through § 59.13 are redesignated as § 59.11 through § 59.17 respectively, and new § 59.7 through § 59.10 are added.

6. In addition to the amendments set forth above, in 42 CFR part 59 remove the words “project” or “projects” or “project’s” and add in their place, the words “Title X project” or “Title X projects” or “Title X project’s” respectively, in the following places:

(a) Section 59.2 definition of “low income family”;

(b) Section 59.5(a)(1);

(c) Section 59.5(b) introductory text;

(d) Section 59.5(b)(3)(iii);

(e) Section 59.5(b)(4);

(f) Section 59.5(b)(7);

(g) Section 59.5(b)(10);

(h) Section 59.6(a);

(i) Newly redesignated § 59.11(a);

(k) Newly redesignated § 59.11(a)(7);

(l) Newly redesignated § 59.11(b);

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- (m) Newly redesignated § 59.11(c);
- (n) Newly redesignated § 59.12(a), the first time it appears;
- (o) Newly redesignated § 59.15;
- (p) Newly redesignated § 59.16(a).

### § 59.1 To what programs do these regulations apply?

The regulations of this subpart are applicable to the award of grants under section 1001 of the Public Health Service Act (42 U.S.C. 300) to assist in the establishment and operation of voluntary family planning projects. These projects shall consist of the educational, comprehensive medical, and social services necessary to aid individuals to determine freely the number and spacing of their children.

### § 59.2 Definitions.

As used in this subpart:

*Act* means the Public Health Service Act, as amended.

*Family* means a social unit composed of one person, or two or more persons living together, as a household.

*Family planning* means the process of establishing objectives for the number and spacing of one’s children and selecting the means by which those objectives may be achieved. These means include a broad range of acceptable and effective methods and services to limit or enhance fertility, including contraceptive methods (including natural family planning and abstinence) and the management of infertility (including adoption). Family planning services includes preconceptional counseling, education, and general reproductive health care (including diagnosis and treatment of infections which threaten reproductive capability). Family planning does not include pregnancy care (including obstetric or prenatal care). As required by section 1008 of the Act, abortion may not be included as a method of family planning in the title X project. Family planning, as supported under this subpart, should reduce the incidence of abortion.

*Grantee* means the organization to which a grant is awarded under section 1001 of the Act.

*Low income family* means a family whose total annual income does not exceed 100 percent of the most recent Community Services Administration

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Income Poverty Guidelines (45 CFR 1060.2). *Low-income family* also includes members of families whose annual family income exceeds this amount, but who, as determined by the title X project director, are unable, for good reasons, to pay for family planning services. For example, unemancipated minors who wish to receive services on a confidential basis must be considered on the basis of their own resources.

*Nonprofit*, as applied to any private agency, institution, or organization, means that no part of the entity's net earnings benefit, or may lawfully benefit, any private shareholder or individual.

*Prenatal care* means medical services provided to a pregnant woman to promote maternal and fetal health.

*Program* and *project* are used interchangeably and mean a coherent assembly of plans, activities and supporting resources contained within an administrative framework.

*Secretary* means the Secretary of Health and Human Services and any other officer or employee of the Department of Health and Human Services to whom the authority involved has been delegated.

*State* means one of the 50 States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, Northern Marianas, or the Trust Territory of the Pacific Islands.

*Title X* means title X of the Act, 42 U.S.C. 300, *et seq.*

*Title X program* and *title X project* are used interchangeably and mean the identified program which is approved by the Secretary for support under section 1001 of the Act, as the context may require. Title X project funds include all funds allocated to the title X program, including but not limited to grant funds, grant-related income or matching funds.

[45 FR 37436, June 3, 1980, as amended at 48 FR 3614, Jan. 26, 1983; 49 FR 38118, Sept. 27, 1984; 53 FR 2944, 2946, Feb. 2, 1988]

EDITORIAL NOTE: For provisions of § 59.2 which have been suspended, see the EDITORIAL NOTE following the SOURCE of Subpart A.

### § 59.3 Who is eligible to apply for a family planning services grant?

Any public or nonprofit private entity in a State may apply for a grant under this subpart.

### § 59.4 How does one apply for a family planning services grant?

(a) Application for a grant under this subpart shall be made on an authorized form.

(b) An individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of the grant, including the regulations of this subpart, must sign the application.

(c) The application shall contain—

(1) A description, satisfactory to the Secretary, of the project and how it will meet the requirements of this subpart;

(2) A budget and justification of the amount of grant funds requested;

(3) A description of the standards and qualifications which will be required for all personnel and for all facilities to be used by the project; and

(4) Such other pertinent information as the Secretary may require.

### § 59.5 What requirements must be met by a family planning project?

(a) Each project supported under this part must:

(1) Provide a broad range of acceptable and effective medically approved family planning methods (including natural family planning methods) and services (including infertility services and services for adolescents). If an organization offers only a single method of family planning, such as natural family planning, it may participate as part of a title X project as long as the entire title X project offers a broad range of family planning services.

(2) Provide services without subjecting individuals to any coercion to accept services or to employ or not to employ any particular methods of family planning. Acceptance of services must be solely on a voluntary basis and may not be made a prerequisite to eligibility for, or receipt of, any other